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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

United States of America,

Plaintiff,

v.

John Keller Norris

Defendant.

Case No. 07CR2913-L

JOINT MOTION BY DEFENDANT JOHN KELLER NORRIS AND PLAINTIFF UNITED STATES OF AMERICA FOR AN ORDER GRANTING DEFENDANT A FOUR DAY FURLOUGH TO VISIT HIS ILL MOTHER IN OHIO

Plaintiff, United States of America, through its counsel, Mitchell D. Dembin, Assistant United States Attorney, and Defendant John Keller Norris, through his counsel, Charles H. Dick, Jr., and Colin H. Murray, of Baker & McKenzie LLP, jointly move as follows:

1. On November 6, 2007, Mr. Norris waived indictment and pled guilty to a single count Information of conspiracy to steal trade secrets.

2. On February 22, 2008, Judge M. James Lorenz sentenced Mr. Norris to three years' probation and six months' home confinement, which he is presently serving, subject to an electronic (GPS) surveillance system, which monitors his whereabouts at all times. At that time, Judge Lorenz issued a Judgment which contained standard and special conditions of supervision (collectively the "Conditions of Supervision"). Condition number one of the Conditions of Supervision states, "the defendant shall not leave the judicial district without the permission of the court or probation officer." One of the special Conditions of Supervision states, "Comply with the conditions of the Home Confinement Program for a period of a term not to exceed SIX (6) months and remain at your residence except for activities or employment as approved by the court or probation officer." In serving his sentence, Mr. Norris has remained at his residence at all times except for activities or employment pre-approved by this Court or his probation officer.

3. Mr. Norris' mother, Mary Jane Norris, lives in Grove City, Ohio. Because of her age and her ill health, she is unable to travel to San Diego, California. She is eighty-eight years old and has been diagnosed with lymphoma. In the past eighteen months, she has undergone chemotherapy. Because of her age, there was a substantial risk she would not survive treatment. Although she did survive, the chemotherapy sessions have taken a dramatic toll on her overall health. While she is ambulatory, she now must use a walker to help her get around. She spends most of her time sitting in a chair in her living room, leaving the house only occasionally to attend a doctor's appointment or church. Ms. Norris mother will turn eighty-nine on July 19, 2008, and Mr. Norris would very much like to spend that day with her because she is approaching that milestone in poor health.

4. Mr. Norris, who is currently serving his home confinement sentence at his residence in San Diego, hereby requests the Court to modify the Conditions of Supervision to permit him a four day furlough to travel to Ohio for not more than four days to visit his ill mother. The specifics of Mr. Norris' proposed trip are as follows: he would take the red eye from San Diego to Ohio on the evening of Wednesday, July 16, and he would return to San Diego on Sunday, July 20.

5. Defendant agrees to notify Carlos Hernandez, an Officer with the United States Probation Office, within twenty-four (24) hours before he departs the Southern District of California. Mr. Norris will notify Mr. Hernandez by personal contact to allow Mr. Hernandez to make the

necessary modifications to the electronic (GPS) surveillance system. Such notification will include Mr. Norris' itinerary and a home (or hotel) telephone number where he can be reached. Mr. Norris will also notify Mr. Hernandez by personal contact within twenty-four (24) hours of his return to the Southern District of California.

6. On July 3, 2008, Counsel for Mr. Norris spoke with Mr. Hernandez regarding Mr. Norris' request to travel to Ohio to visit his ailing parents. *See* Declaration of Jason K. Petrek, ¶ 2. Mr. Hernandez indicated he did not oppose the request. *Id.*

In consideration of the foregoing facts and circumstances, the parties respectfully request that the Court grant Mr. Norris' request to modify the conditions of his supervision to permit him to travel to Ohio for not more than four days.

Dated: July 8, 2008

BAKER & McKENZIE LLP

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Dated: July 8, 2008

MITCHELL D. DEMBIN
Assistant United States Attorney

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I, Colin H. Murray, hereby certify that the content of this JOINT MOTION BY DEFENDANT JOHN KELLER NORRIS AND PLAINTIFF UNITED STATES OF AMERICA FOR AN ORDER GRANTING A FOUR DAY FURLOUGH TO VISIT HIS MOTHER IN OHIO is acceptable to all parties who are required to sign this motion. Plaintiff's counsel has authorized Defendant to affix his CM/ECF electronic signature to this document.

Dated: July 8, 2008

BAKER & McKENZIE LLP

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